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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,479	03/17/2000	Rodney M. Goodman	06618/120002/CIT2580-D1	5202

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SAN DIEGO, CA 92130-2081

EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/07/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/528,479

Applicant(s)

GOODMAN ET AL. 

Examiner

Michael W. Hoyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3.4.5</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "200" in Figure 2 has been used to designate both Video Source 200 and Controlling Console 200, it appears that Video Source "200" should be --208--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 142, 600, 602, 604 and 910. A proposed drawing correction, corrected drawings, or amendment to the specification to

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add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: on page 21, lines 13-14, the “date and time stamp at 148” appears to be referring to the wrong reference number in the drawings; on page 26, line 1, video source “200” should be --208--; on page 31, line 9, video receiver “154” should be --144--.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: the preamble of the claim appears to be missing the word “advertising”, which should occur after the words “paying for” and before the word “comprising”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1-2 recite the limitation "the commercial" in lines 7, 9, 13 and line 2 of claim 2 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Echeita et al (USPN 5,826,165), cited by the Examiner.

As to claim 1, note the Echeita et al reference which discloses an advertisement reconciliation system, that includes a method of scheduling and paying for advertising. The claimed "booking an advertising segment with an advertising agency" is met by a contract (col. 3, lines 40-41) or contractually agreed upon attributes/parameters (col. 4, lines 42-47; also see Ad Agency 38 in Fig. 1). The Echeita reference discloses the claimed booking for said advertising segment comprising determining time (col. 3, lines 30-36), network (col. 1, lines 15-17 and col. 7, line 48), and pricing (col. 1, lines 19-20). It would have been obvious to one of ordinary skill in the art to have the claimed booking further include commission parameters for said advertising segment since Echeita discloses that the contract agreed upon may include various attributes/parameters (col. 4, lines 42-47) and it is well known in the art of scheduling advertisements to include various commission incentives according to the accuracy of the broadcaster airing the commercial at the correct time, during a promotional period, or various

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other related parameters for the advantage of increasing sales and revenue for the broadcasters and ad agencies. The claimed "establishing an account with a clearinghouse" is met by the advertisement reconciliation system computers 38 (Fig. 1) and the billing accounts system 40, where the system computers 38 determine if the commercial actually aired at the specified time by automatically detecting the contract number and contract line number as well as the time spot aired information from the broadcast data stream, the accounting procedures allow the program provider and advertiser to make an immediate judgment on whether the commercial aired at the specified time and to point out discrepancies if an error occurs (col. 8, lines 8-21 & 31-65; and col. 10, lines 49-59). In addition to, the advertisements and other data signals encoded and transmitted along with security access data (col. 5, lines 43-67) and the security of the data transmitted is decrypted and processed by access control circuits (col. 6, lines 30-64).

As to claim 2, the claimed error resolution determines if the commercial has played within a specified interval of the specified time and allows payment if so is met by col. 8, lines 8-21 & 31-65; and col. 10, lines 49-59, as previously described above.

As to claim 3, the claimed security comprises digitally encoding data packets that accompany the data packets that form the actual advertisement (see col. 5, lines 43-67), where the data packets include numbers or identifiers that identify the actual advertisement (col. 5, lines 4-14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Bird et al (USPN 5,355,161) – Discloses an identification system for broadcast program segments.

Bronfin et al (USPN 5,200,822) – Discloses an arrangement for and method of processing data, especially for identifying and verifying airing of television broadcast programs.

Copriviza et al (USPN 5,646,675) – Discloses a system and method for monitoring video program material.

Greenberg (USPN 4,967,273) – Discloses a television program transmission verification method and apparatus.

Greenberg (USPN 4,547,804) – Discloses a method and apparatus for the automatic identification and verification of commercial broadcast programs.

Keene (USPN 5,450,122) – Discloses an in-station television program encoding and monitoring system and method.

Kramer (USPN 4,945,412) – Discloses a method of and system for identification and verification of broadcasting television and radio program segments.

Miller (USPN 4,170,782) – Discloses a programming and selection monitoring system for television receivers.

Lyons (USPN 5,584,050) – Discloses a program monitoring system.

Thomas et al (USPN 5,526,427) – Discloses a universal broadcast code and multi-level encoded signal monitoring system.

Thomas et al (USPN 5,425,100) – Discloses a universal broadcast code and multi-level encoded signal monitoring system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop ____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202


Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 308-HELP.

Michael W. Hoyer
May 30, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600